

REMARKS

Applicants respond hereby to the outstanding Office Action mailed January 3, 2005, in this application.

By the Request To Make Drawing Amendments that accompanies this Amendment, applicants have amended drawing Figs. 1, 5a, 5b, 6a and 7 substantially in accordance with the Examiner's suggestions at paragraph 1 of the office action. Applicants believe that all of the figures now conform to proper US Patent practice, and respectfully request withdrawal of the paragraph 1 drawing objections.

Each of the pending claims 1-11 are amended hereby; claim 12 is cancelled without prejudice of subject matter. No new matter is introduced.

Response To Rejections Under 35 USC § 101

Claim 10 was rejected as non-statutory under 36 USC § 101. Applicants have amended claim 10 to address the issues raised by the Examiner at paragraph 3 of the Office Action. Claim 10 now sets forth a computer readable medium comprising a set of computer readable instructions, which computer readable instructions may be processed by a computer to implement a method of processing images as claimed in claim 1. Accordingly, applicants respectfully assert that claim 10 now conforms to section 101, is statutory, and request withdrawal of the rejection under 35 USC 101.

Response To Rejections Under 35 USC § 112

Claims 1-12 were each rejected under 35 USC § 112, second paragraph, as indefinite, for the reasons stated at paragraph 5 of the Office Action. In response, applicants have amended claim 1 considerably to render the claim language more understandable, and more in conformance to good US practice. For that matter, claim 11 has been amended to address the Examiner's comments, and each of claims 1 and 11 are believed to comply with the second paragraph of Section 112. Hence, applicants respectfully request the withdrawal of the rejection of claims 1 and 11, and claims 2-10 which depend

N:\UserPublic\Barnes\PHIPR\FR000143\FR000143 RESPONSE TO NON-COMPLIANCE.doc

6

from claim 1.

**Response To Rejections Under 35 USC § 102**

Claim 10 was rejected under 35 USC § 102(b) in view of US Patent No. 5,859,929 to Zhou. That is, the Examiner states that while Zhou teaches a computer program carried out by processing means, that the language of claim 10 (before amendment hereby) was merely a recitation of intended use. However, after amendment, claim 10 now recites more than the intended use of the invention.

Applicants, therefore, respectfully assert that claim 10 as amended is not unpatentable under 35 USC § 102(b) in view of Zhou, and request withdrawal of the same claim rejection.

Claims 11 and 12 were also rejected under 35 USC § 102(b) as anticipated by US Patent No. 5,809,105 to Roehm. With respect to claim 11, the Examiner asserts that it merely recites an intended use, and while Roehm does not include all of the recitations of claim 11, it includes all positive limitations.

In response, applicants respectfully assert that claim 11 as amended now recites all limitations as positive limitations, and is therefore novel in view of Roehm under Section 102(b), and request withdrawal of the rejection of claim 11; claim 12 has been cancelled.

Allowance of pending claims 1-11, and passage to issue of the application is respectfully requested.

Please charge any additional fees which may now or in the future be required in this application, including extension of time fees, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Respectfully submitted,

By 

David BARNES, Reg. No. 47,407  
Attorney  
(914) 333-9693

N:\UserPublic\Barnes\PHILIPS\FR000143\FR000143 RESPONSE TO NON-COMPLIANCE.doc

7